

SDMS# 31259

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3 United States Environmental Protection Agency
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8
9 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

10 REGION 9

11 IN THE MATTER OF:)

12 J. H. BAXTER, Inc.,)

13 ROSEBURG FOREST PRODUCTS COMPANY,)

14 RESPONDENTS)

15 Proceeding Under Section 106(a)
16 of the Comprehensive Environ-)
17 mental Response, Compensation,)
18 and Liability Act of 1980)
19 (42 U.S.C. §9606(a)))

Docket No. 86-08

20 ADMINISTRATIVE ORDER

21 ON CONSENT

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- 1 A. This Consent Order is issued pursuant to the authority vested
2 in the President of the United States by Section 106(a) of the
3 Comprehensive Environmental Response, Compensation, and Lia-
4 bility Act of 1980 ("CERCLA"), 42 U.S.C. §9606(a), and dele-
5 gated to the Administrator of the United States Environmental
6 Protection Agency ("EPA" or "AGENCY") on August 14, 1981, by
7 Executive Order 12316, 46 Fed. Reg. 42237, and further dele-
8 gated to the Assistant Administrator for Solid Waste and Emer-
9 gency Response and the Regional Administrators by EPA Delegation
10 Nos. 14-14 and 1414-A, the latter of which was signed on April
11 16, 1984. This authority has been redelegated to the Director,
12 Toxics & Waste Management Division, EPA, Region 9.
- 13 B. The Respondents agree to undertake all actions required by
14 the terms and conditions of this Consent Order in accordance
15 with the provisions of the National Contingency Plan, 40
16 C.F.R. Part 300.61 et seq., as amended.
- 17 C. The Respondents consent to and do not contest EPA jurisdic-
18 tion regarding this Consent Order.

19 II. BACKGROUND

- 20 A. Respondent J. H. Baxter Company ("Baxter") owns and operates a
21 wood treating facility located at 422 Mill Street, Weed,
22 California. The plant, covering approximately 40 acres,
23 is located in Section 1 of T41N, R5W, MDB&M. Baxter has
24 owned and operated the plant since 1962, when it purchased the
25 facility from International Paper Company.
- 26 B. Respondent Roseburg Forest Products Company ("Roseburg"),
27 formerly known as the Roseburg Lumber Company, owns a lumber
28 mill adjacent to the J. H. Baxter wood treating facility, in

1 Sections 1 and 2, T41N, R5W, and Section 30, T42N, R5W,
2 MDB&M. Roseburg purchased this lumber mill from Internation-
3 al Paper Company in 1983.

4 C. Chemicals used in the wood treating process at the Baxter plant
5 include; ammoniacal copper arsenate (consisting of ammonia,
6 arsenic acid, and copper), coal tar creosote, 50/50 (a mix of
7 50% creosote and 50% heavy fuel oil), and pyresote (a mixture
8 of 35% zinc chloride, 5% sodium dichromate, 35% ammonium sulfate,
9 and 25% boric acid). Other chemicals which may have been used
10 are pentachlorophenol (PCP), chromated zinc chloride, tanalith
11 (sodium fluoride, sodium dichromate, arsenic acid, and dinitro-
12 phenol (FCAP), and minalith (diammonium phosphate, ammonium
13 sulfate, sodium tetraborate, and boric acid). Certain of those
14 chemicals have been detected in the soils and ground and surface
15 waters at the site.

16 III. CONCLUSIONS OF LAW

17 A. The site is a "facility" as defined by Section 101(9) of
18 CERCLA, 42 U.S.C. §9601(9).

19 B. The Respondents are "persons" as defined by Section 101(21)
20 of CERCLA, 42 U.S.C. §9601(21).

21 C. Some of the chemicals, wastes and their constituents at the
22 site are "hazardous substances" as defined by Section 101(14)
23 of CERCLA, 42 U.S.C. §9601(14).

24 D. The past, present, and potential migration of hazardous
25 substances from the site constitute an actual or threatened
26 "release" as defined by Section 101(22) of CERCLA, 42 U.S.C.
27 §9601(22).

28 E. The Respondents are "responsible parties" pursuant to Section

1 107(a) of CERCLA, 42 U.S.C. §9607(a) for the purposes of this
2 Consent Order.

3
4 IV. STATEMENT OF PURPOSE

5 EPA and the Respondents are currently studying the Baxter and
6 Roseburg properties to determine the extent of hazardous substance
7 contamination present at the site. In this Order, the Respondents
8 agree to fence the property to EPA specifications. (see map out-
9 lining area, Attachment A).

10 V. WORK TO BE PERFORMED

11 The Respondents will construct a fence completely around the
12 Baxter property and around a selected portion of the Roseburg
13 Property. Additional fencing on the Roseburg facility may be
14 required by EPA based on the results of future soil sampling.
15 (See map, Attachment A.) The fence shall be built to
16 EPA's satisfaction according to the specifications in Attachment B.
17 Signs will be posted on the fence according to the specifications
18 in Attachment C. The Respondents shall enter into a contract to
19 fence the site within one week of the date of this Consent Order
20 and complete construction of the fence to the agreed specifications
21 within 5 weeks of the effective date of this Order.

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1 IT IS SO AGREED AND ORDERED:


2 J.H. BAXTER COMPANY, INC.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

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5 By



By

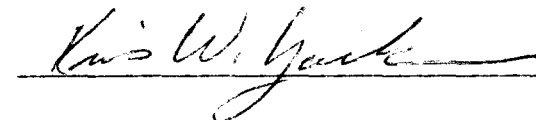


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Harry Seraydarian
Director, Toxics, & Waste
Division
United States Environmental
Protection Agency,
Region 9

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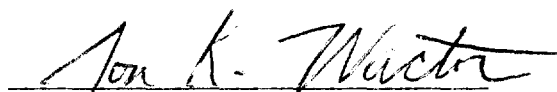
ROSEBURG FOREST PRODUCTS, INC.

By



Name:


Attorney for
J.H. Baxter Company


Jon K. Wactor
Assistant Regional Counsel
United States Environmental
Protection Agency,
Region 9

ALP-2

Fence
Boundary

ALP-11

Old Mill Pond Site
Excavated Area

835-34

now

HTAX-10

HTRX-9.

HTRX-8

HTX 4

Powerhouse

43X-50

Drain

47 RX-2

HTXX-1

52-50

1992

Cooling Shed Dry Kitt

203-49

10

100

1951

100

332

Office

Cutoff Saw

Drip Are

X5603-4

6603-43

Retort Room

Spray

44-3

OP-6

1017

J. H. BAXTER

Attachment B

Weed Fence Specifications

The fence assembly will be eight feet tall. The fence posts will be 10 feet long peeler cores treated with Ammoniacal Copper Zinc Arsenate. The posts will be set in the ground to a depth of 2 feet in tamped earth. The peeler cores are 5 inches in diameter.

The fencing will be Orchard and Deer Fencing of at least 14 gauge, six feet tall. There will be three strands of barbed wire equally spaced in the two feet of post above the fencing.

The fence will have chain link road or railroad gates on rollers, and two personnel gates.

The corner and gate posts will be 7-10 inches in diameter and 10-12 feet long. The corner and gate posts may be set deeper in the ground as deemed necessary by the contractor.

The fence will have a useful life of 25 years. The Respondents will maintain the fence, gates, and posts in good repair so as to prevent any unauthorized entry during the period of investigation and any necessary remedial action.

Attachment C

Sign Language :

Caution
Hazardous Substance Area
No Unauthorized Entry
Superfund Study Area
For Information, call:
U.S. EPA at 1-800-231-3075, or
J.H. Baxter & Co. or Roseburg at _____.

Company LogoEPA Logo

The signs will be of a size sufficient so that the message can be read from a distance of 25 feet. The signs will be constructed of weatherproof material and shall be posted every two hundred feet with additional signs at each gate, access road, or other point of entry.